

### REMARKS

The Applicant acknowledges the withdrawal of the prior rejection of the claims over Ueno (US Pat. 6,817,713).

The independent claims now stand rejected as follows: claim 1, "A method for designing a spectacle lens," stands rejected as unpatentable over Roffman et al. (US 6,196,685); and claim 12, "An apparatus for measuring head and eye movement," stands rejected as anticipated by Shoane (US 2002/0187860).

#### *Independent claim 1*

Claim 1 recites a method that includes "identifying at least one point of regard for the first lens." The office action asserts that identifying a point of regard for the lens is taught in Roffman. The Applicant disagrees. The office action associates the recited "point of regard" with Roffman's "print through." A "point of regard" in the present application refers to "a point on the front, or object side, surface of the lens at which the individual's visual axis intersects with the lens. By 'visual axis' is meant the line of sight, passing through the eye's nodal points, between a viewed object and the observer's fovea." (Description of the Invention, page 3, lines 12-15). In contrast, the term "print through" is used by Roffman to refer to "any change in the lens topography on the front surface of the lens as a result of changes in topography on the back surface of the lens." (See Roffman, col. 2, lines 38-41). Therefore identifying a point of regard is not the same as identifying print through.

Nowhere does Roffman disclose or make obvious the identifying of a point where the individual's visual axis intersects with the lens. The "visual axis" passes through the eye's nodal points. In contrast, Roffman addresses the effects of print through off such a visual axis. So not only does Roffman not disclose or suggest identifying the point of regard, nowhere does Roffman disclose or make obvious modifying a design using information that is obtained using an identified point of regard, as required by the claim.

Furthermore, as the office action recognizes, Roffman addresses techniques for the design of a contact lens. However, the office action asserts that it would have been obvious "to use a similar feedback type of methodology in a spectacle lens." The Applicant disagrees. The

techniques for contact lens design disclosed by Roffman do not suggest the recited steps for designing a spectacle lens, at least for the reason that a contact lens moves with the eye whereas an individual's point of regard changes with motion of the eye.

For at least these reasons, claim 1 and its dependents are allowable over Roffman.

*Independent claim 12*

Claim 12 is directed to an apparatus for measuring head and eye movement, comprising "a head movement sensor, a scene camera, an eye camera, a scene monitor, an eye monitor, an infrared light source and a beam splitter capable of transmitting visible light and reflecting infrared light." The office action asserts that Shoane, "Method and Apparatus for Analyzing a Golf Stroke," teaches these elements of claim 12, citing Shoane's FIG. 1 without providing further detail. The Applicant disagrees with this position. Shoane does not disclose or makes obvious a "beam splitter capable of transmitting visible light and reflected infrared light." Indeed, Shoane does not disclose use of any beam splitter. For example, Shoane's eye movement sensor 50 does not appear to make use of a beam splitter (see paragraph [0053]). Therefore, Shoane does not disclose a "beam splitter capable of transmitting visible light and reflected infrared light" as recited in claim 12 and there is nothing to suggest that Shoane should be modified to include such a beam splitter.

For at least these reasons, claim 12 and its dependents are allowable over Shoane.

*Claim amendments*

Typographical errors have been corrected in claims 2-4, and 7, and claims 10 and 11 have been amended to depend on apparatus claim 9. New claims 15-16, dependent on claim 1, are added. Support for claims 15-16 may be found at least at page 6, lines 5-8.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

Applicant : Richard J. Nason et al.  
Serial No. : 10/695,047  
Filed : October 28, 2003  
Page : 8 of 8

Attorney's Docket No.: 19713-051001

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a \$450.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Jan 24, 2006

J. Robin Rohlicek  
J. Robin Rohlicek, J.D., Ph.D.  
Reg. No. 43,349

Fish & Richardson P.C.  
Citigroup Center  
52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291

21252523.doc